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PAPER NO. 5

Bond Art Unit 121
06/06/ 913,107
Leonardo Marsili, et al.,

MAILED

MAILED

OCT 31 1978

GROUP 120

THIS IS A COMMUNICATION FROM THE EXAMINER
IN CHARGE OF YOUR APPLICATION.

COMMISSIONER OF
PATENTS AND TRADEMARKS

- ☒ This application has been examined.
☐ Responsive to communication filed on _____
☐ This action is **made final**.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTH(S)
_____ DAYS FROM THE DATE OF THIS LETTER.

FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED.
35 U.S.C. 133

PART I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited, Form PTO-892. 2. ☐ Notice of Informal Patent Drawing, PTO-948.
3. ☐ Notice of Informal Patent Application, Form PTO-152 4. ☐

PART II SUMMARY OF ACTION

1. ☒ Claims 1-2 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-2 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on _____ are acceptable.
8. ☐ The drawing correction request filed on _____ has been ☐ approved,
☐ disapproved.
9. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has
☐ been received. ☐ not been received. ☒ been filed in parent application: serial no. 694,587 filed on 10 JUNE 1977
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 OG. 213.
11. ☐ Other

Art Unit 121

All of the claims are rejected as representing double patenting over Marsili et al., patented 25 April 1978. For a single inventive concept only a single patent may properly be granted.

It is noted that the instant case has been denoted as a continuation-in-part of application S.N. 694,589, now U.S. Patent No. 4,086,225. This is incorrect, however. The instant case was filed 6 June 1978 and Patent 4,086,225 was issued 25 April, 1978. Thus there is no copendency between the instant case and S.N. 694,589 and applicants cannot be accorded the benefit of the filing date of S.N. 694,589, but are restricted to the filing date of the instant case, 6 June 1978.

All of the claims are rejected as unpatentable over the German Offenlegungsschrift which teaches the same, or essentially the same, subject matter claimed herein. 35 USC 102(b).

Since there is no copendency with S.N. 694,589, applicants cannot be entitled to the benefit of the filing date of their Italian application either.

All claims are rejected.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTH FROM THE DATE OF THIS LETTER.

ROBERT T. BOND
Bond/jlb
A/C 703
557-2517
10/26/78

Robert T. Bond

ROBERT T. BOND
EXAMINER
ART UNIT 121